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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **May 2, 2012**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
11

12
13 **Members Present:** Mike Houghton, Chairman
14 Bob Baskerville, Vice Chairman
15 Bruno Federico, Selectmen's Representative
16 Jameson Paine, Full Member
17 Tom House, Alternate
18 Mary Jane Werner, Alternate
19 Christopher Merrick, Alternate
20

21 **Members Absent:** Jeff Hyland, Secretary
22

23 **Staff Present:** Lincoln Daley, Town Planner
24

25 **1. Call to Order/Roll Call.**
26

27 Mr. Houghton took roll call. As Mr. Hyland was absent, Mr. Houghton asked Mr. Merrick if
28 he would be a full voting member for tonight's meeting. Mr. Merrick agreed.
29

30 **2. Review/Approval of Meeting Minutes.**

31 a. April 25, 2012
32

33 The minutes were not ready for review and were tabled to the next meeting on May 16, 2012.
34

35 **3. Public Hearing(s).**

36 a. **Areta Caley / 70 Winnicutt Road LLC, 1 Butterfield Lane #6, Stratham, NH.**
37 Subdivision Application to subdivide 70 Winnicutt Road, Tax Map 14, Lot 61 into two
38 (2) total lots.
39

40 Mr. Houghton explained that the applicant was before the Board previously on April 4,
41 2012. Following that meeting, a site walk was held on April 14, 2012 for board members
42 and abutters. This meeting is a continuation. Mr. Daley added that in accordance with
43 the request of the Planning Board, the plans were revised to incorporate several of the
44 details specified by the Board. He explained that Mr. Dave Emmanuel would speak to
45 those changes and address staff comments made in the second review of the application.

1 The Board will make comments and then the floor will be opened to the public for any
2 comments or questions they may have. Mr. Daley said that Town Counsel had also
3 reviewed the letter submitted from the counsel for the Spring Creek Homeowners'
4 Association which the Board had been given for their review and at the Board's request;
5 Mr. Daley had reached out to the Fire Department for their opinion on the application
6 concerning access and for fire suppression issues. Mr. Daley said he had received verbal
7 comments from them and would share them later on. He alluded also to the Board's
8 request for more information concerning storm water management.
9

10 Ms. Werner commented that there was a conversation about the Conservation
11 Commission giving their recommendations. Mr. Daley said they hadn't received
12 anything.
13

14 Mr. Houghton invited Mr. Emmanuel to speak. Mr. Emmanuel refreshed everybody's
15 memory of the application thus far and then addressed the issues in the Staff memo
16 referred to by Mr. Daley. He explained that they have added the proposed utility pole
17 location to access the back lot on the plans. Next, Mr. Emmanuel addressed the concerns
18 of drainage and run off with the anticipated driveway. He explained that the D.O. T. did
19 not request a driveway culvert or any substantial grading. Mr. Emmanuel also explained
20 that the way the lot is currently graded, all storm water flows away from Mr. Gough's
21 house and Spring Creek Lane and the water naturally flows back towards the side and
22 rear of the property. Mr. Emmanuel said that everything on the lot has been situated, to
23 meet the maximum distance possible from natural vegetation and natural treatment of any
24 run off from the driveway before it reaches any setbacks, buffers or wetlands.
25

26 Mr. Emmanuel addressed the issue of trees. He said he was not able to say how many
27 trees would end up being cut down at this stage, but it could be discussed with whoever
28 buys the property or builds the house. However, Mr. Emmanuel did say that it is
29 standard for anywhere from 25 to 50 trees to be cut for a driveway. He said there was no
30 feedback of any concerns from the Fire Department.
31

32 Mr. House asked what the distance from the edge of the driveway to the rear of Mr.
33 Gough's lot was. Mr. Emmanuel said it was about 30 feet.
34

35 Mr. Daley asked Mr. Emmanuel what impact connecting the utility pole to the proposed
36 house would have upon trees. Mr. Emmanuel said there could be some impact depending
37 on where the jumper pole is located.
38

39 Mr. Daley alluded to the Fire Chief's comments that there should be a turn around area
40 near the house for fire vehicles and as for fire suppressant, the Chief was confident that
41 the dry hydrant on Spring Creek Lane would provide enough fire suppressant to handle a
42 home in that area. Mr. Daley also shared that concerning the access from Winnicutt
43 Road, the Chief felt comfortable with the 12 feet width road way being proposed by the
44 applicant.
45

1 Mr. Daley asked Mr. Baskerville if he was comfortable with the explanation about the
2 sheet run off from the driveway. Mr. Baskerville responded that he would prefer it if a
3 proposed grading was put on the plan. Mr. Emmanuel said he could add that. Mr.
4 Baskerville also commented that it was good that the proposed location of the driveway
5 was shown. Mr. Daley stressed that the Board needs to feel comfortable that the
6 driveway will be built in the area currently shown on the plan and that it will not be
7 changed.

8
9 Mr. Houghton commented that at the last meeting there was a lot of discussion about a
10 fence and different plantings and ways to mitigate the impact of cars traveling up the
11 driveway and the problem of lights shining into homes. He requested that those measures
12 be shown on the plan. Mr. Emmanuel said the reason it hadn't been shown on the plan
13 was because he didn't think that had been decided upon. Ms Werner said that it was
14 obvious from the site walk that there wouldn't be a problem with car headlights so a
15 fence probably wouldn't be necessary.

16
17 Mr. Daley asked if the applicant was still proposing putting additional landscaping at the
18 entrance of the proposed driveway area. Ms. Caley said that she didn't want to impose
19 anything on the future property owner. The intention is to leave the trees at the end of the
20 driveway, but she can't guarantee what the new property owner might do. Ms. Caley said
21 she wasn't sure what kind of shrubbery the Town was looking for, but her intention is to
22 do what the new buyers would like. Mr. Houghton and Mr. Merrick agreed it would be
23 good if something could be provided to give some level of privacy. Mr. Federico said
24 that as a minimum if the applicant isn't going to do a fence, they should consider putting
25 in some evergreen shrubbery that would grow six to ten feet. Ms. Caley said she is
26 willing and happy to do whatever the Board recommends. Mr. Daley suggested eight to
27 ten trees to create a staggered buffer if possible. Mr. Houghton asked if Mr. Emmanuel
28 could put that on the plan. Mr. Daley advised Mr. Emmanuel to look at the Town's Site
29 Plan regulations which has a listing of plantings that he can choose from. Mr.
30 Baskerville asked if the applicant had submitted to the DES sub division approval. The
31 applicant said she hadn't yet due to the expense and wanted to wait until the plan had
32 been approved.

33
34 Mr. Daley said the Board received a letter dated April 18, 2012 from Town Counsel.

35
36 Mr. Houghton opened up the floor to the public. Mr. Scott Hogan, Land Use Attorney,
37 representing eleven abutting properties, spoke first. He summarized why this proposed
38 application is causing such concern to these abutters and referred also to the many points
39 made by the Planner in an earlier memo. Mr. Hogan said he was quite surprised that the
40 application was accepted as complete when so much information was missing at the time.
41 He said that they still don't have most of those things. Mr. Hogan said he hoped the
42 Board wasn't just going to approve this pork chop lot sub division without even knowing
43 the exact location of the driveway. Mr. Hogan then went on to discuss the Town's sub
44 division regulations and how they applied to this application. He stressed that they have
45 to be met just as the pork chop sub division regulations have to be met.

1 Ms. Werner said she understood that Mr. Hogan hadn't been present at earlier meetings,
2 but she felt offended that he would think the Board members would come in with a blank
3 mind considering how long they have listened to abutters, developers and even attended a
4 site walk. Mr. Baskerville agreed.

5
6 Mr. Daley shared the regulations with Mr. Emmanuel and asked him to walk them
7 through the storm water and erosion control management plans as brought up by Mr.
8 Hogan.

9
10 Mr. Emmanuel read through the requirements and said that for this minor subdivision
11 none of them applied. He also read through the regulations concerning critical, disturbed
12 areas, and more highly erodible soils at Mr. Daley's request. Mr. Daley asked Mr.
13 Emmanuel if, in his professional opinion, any of the criteria applied to this subdivision.
14 Mr. Emmanuel said he didn't believe so.

15
16 Mr. Hogan referred to the Planner's memo to the Board regarding utilities that they are
17 not shown on the plan. Mr. Hogan felt that this information is important to determine the
18 potential impact on the environment and the abutters. Mr. Hogan continued that the plan
19 was missing many features that would have a direct impact on the surroundings and
20 environment. He then read out all the comments from the Planner's memo pertaining to
21 various items missing from the plan.

22
23 Mr. Daley responded clarifying that Mr. Hogan was not at the last meeting so wasn't
24 aware that Mr. Baskerville had asked about the grading of the driveway and how the
25 storm water was going to be handled. Storm water management plans are not required
26 for a driveway and Mr. Daley's comments were purely related to Mr. Baskerville's
27 comments regarding the grading and the sheet flow across the driveway. Mr. Emmanuel
28 explained that due to the topography of that area, the sheet flow will be minimal. Mr.
29 Daley agreed there still needed to be more details on the utilities although he explained
30 that it is partially dictated by the utility company.

31
32 Mr. Rattigan, applicant's attorney, said he feels the Board has plenty of information to
33 make a decision and that Mr. Hogan wasn't well informed. He emphasized that it will be
34 up to the future home owner to decide what he or she would like to do on the property.

35
36 Mr. Brad Jones, 18 Winnicutt Road, commented on a statement made by Mr. Rattigan
37 about pine trees being nasty trees saying he found it incredible.

38
39 Mr. Bob Millstein, 10 Spring Creek Lane asked for clarification on the location of the
40 Spring Creek hydrant. Mr. Daley confirmed it was the one on his driveway. Mr.
41 Millstein said that the hydrant hadn't worked for three years and it was taken out. Mr.
42 Daley explained that the Fire Department would be speaking to Mr. Millstein soon about
43 maintaining that hydrant.

44
45 Mr. Bob Goodridge referred to page three of the handout and asked what the read outs
46 meant. Mr. Emmanuel explained that they were standard soil mapping numbers that

1 regard the drainage and sloping classification for the soil for both the wetland and soil
2 scientist. Mr. Daley explained further that a soil classification of 400 is somewhat poorly
3 drained and 343 would represent moderately well drained and 763 means not determined.
4 Mr. Goodridge went on to say that in the middle of the development there are two
5 different soil types which tends to indicate that that whole area could be wet and that he
6 had the opportunity to walk out there and it seemed to him that in a heavy rain there is
7 going to be a lot of water off of Winnicutt Road and down the proposed driveway. He
8 then related a personal story about a development built adjacent to his property which
9 after a heavy storm, caused water to pour through his stone wall and ended up creating a
10 part time brook. At the time Mr. Goodrich sought help from the developer but didn't get
11 any. Mr. Goodridge can foresee the same problem with whoever buys this property.
12

13 Mr. Daley responded that it appears the full length of the driveway, the house and septic
14 area falls within the 323 area which is moderately well drained. Mr. Emmanuel
15 confirmed that and explained to Mr. Goodridge about the wetland areas and swales. He
16 added that they have stayed as far as away as possible from the wetland areas and have
17 met all the required setbacks. Mr. Emmanuel continued that thanks to the topography
18 water drains into the wetland areas and eventually into the brook. In Mr. Emmanuel's
19 opinion, it should not impact any of the abutting properties.
20

21 Mr. Goodridge asked about sump pumps. Mr. Emmanuel said the developers would need
22 to satisfy the Planning Board's wishes, but he was confident that it wouldn't be difficult
23 for them to discharge to the rear lot or away from Spring Creek Lane.
24

25 Mr. Tom Gough, 68 Winnicutt Road said he is pumping water all the time and to him the
26 design of this development is poor. He has come up with other designs that he feels
27 would be more beneficial for all those affected and doesn't understand why they are not
28 considered. He referred to the fence, saying he never requested one and while at this time
29 of year, his shrubs afford privacy, in the winter they are gone and he sees everything.
30

31 Mr. Paine asked if rain gardens had been considered to help with the run off of water
32 from sump pumps. Mr. Emmanuel said in past project they have employed a design firm,
33 but haven't gotten around to it on this project as it's a single lot subdivision.
34

35 Mr. John Kauffman, 7 Spring Lane said that it was true that Mr. Hogan hadn't been at the
36 previous meetings or site walk, but there was a reason for that; the residents that Mr.
37 Hogan represent had to decide whether to invest in this. As the process has gone
38 forward, they have decided to do so. Mr. Kauffman said the only people who think this
39 development is a good idea is the applicant.
40

41 Lucy Cushman, member of the public commented on the fact that there had been no
42 definitive location given as to where the house and driveway were going on the plan so
43 no definitive answers can be given without that information at the meeting. Mrs.
44 Cushman felt that the Board had the option to say no due to the configuration of the lot.
45 She added that if the Board approves this lot, she believes it will be the first time it will
46 be used by land speculators and therefore a precedent will be set.

1
2 Ms. Werner referred to the driveway explaining that Mr. Emmanuel staked the driveway
3 from Winnicutt Road all the way down to behind the Gough property and into the second
4 lot and she had the impression that, that is where the driveway will be located. Mr.
5 Emmanuel confirmed this.

6 Mr. Gough asked if there were some engineered plans showing exactly where the
7 driveway was going to go. Mr. Gough wanted to know how it was going to be built due
8 to the steepness of the land.
9

10 Mr. Millstein asked if there was sufficient space for a turn around as requested by the
11 Fire Department and if so where would that be. Mr. Emmanuel said he was confident he
12 would meet the requirements to design a large enough turn around area for a Fire truck.
13 Mr. Emmanuel said he would put one at the end of the driveway, in front of the garage.
14

15 Mr. Baskerville explained that the State has approved the applicant's driveway permit
16 and added that looking ahead the kind of conditions he might ask for going forward
17 would be where is the precise location of the driveway, minimize the tree cut and fill and
18 there should be a roadside ditch to take care of the sump pump. Mr. Baskerville said that
19 looking at the plans he couldn't see that there would be anything to prevent an engineer
20 from doing those things. Mr. Baskerville commented also that this was not an
21 extraordinary driveway and even though it is not ideal that the driveway goes down by
22 Mr. Gough's house, it is their right. However, Mr. Baskerville said the Board can ask the
23 applicant to do certain things.
24

25 Mr. Hogan said that the statute for any Planning Board has to be lawful and
26 independently reasonable.
27

28 Mr. Baskerville explained that he is a civil engineer and nowadays many permits are
29 needed. He continued that the only permit the applicant is asking for is to subdivide a lot
30 and there will be other regulations later that apply, but as of now they are not applying to
31 build the driveway or house. He added that so far he hadn't heard anything that is a solid
32 reason for denying this permit.
33

34 The Board, Mr. Daley and Mr. Hogan talked through the criteria Mr. Hogan felt hadn't
35 yet been met by the applicant. Mr. Daley asked Mr. Emmanuel to point out the location
36 of the house, septic area and the approximate area of disturbance and removal of trees on
37 the property. Mr. Emmanuel said the disturbance would start at the tree line and work its
38 way down the driveway to the area of the proposed house which he showed on the plan.
39 Mr. Daley asked the Board if they would want the building envelope defined as part of
40 the subdivision plan. Ms. Werner thought not as it was obvious from the site walk.
41

42 Mr. Kauffman said he disagreed as there has been no confirmation of where the property
43 will be located.
44

45 Mr. Houghton emphasized that the members of the Board understand the connection that
46 the abutters have with their properties and have great respect for that.

1
2 Mr. Brad Jones feels that the damage that will be created to this lot will be severe. In Mr.
3 Jones's opinion, if this application is approved, all the considerations for environmental
4 concerns will be ignored.

5
6 Mr. Steve Casey, 8 Spring Creek Lane, said that pork chop lots were not supposed to be
7 built for speculators.

8
9 Mr. Houghton asked Mr. Casey if he believed that there have been no properties in
10 Stratham bought by speculators. Mr. Casey responded that yes he did, but he believed it
11 was the Board's job to decide if that is a good idea.

12
13 Mr. Federico asked Mr. House if he remembered what was said when it was proposed to
14 build Spring Creek Lane. Mr. Federico explained he was mentioning this because part of
15 the agreement for Spring Creek Lane at the time was the access to Spring Creek.
16 Unfortunately Mr. Barker failed to get this in writing before he died which is why the
17 Board was there listening to everybody tonight. Mr. Federico said he felt for the
18 applicant because everybody that buys property in Stratham has property rights. He
19 stressed that the Board will do the right thing.

20
21 Ms. Colleen Lake spoke saying she didn't understand what the problem was with the lot
22 being subdivided or the applicant wanting to buy the land for profit.

23
24 Ms. Bates, 65 Winnicutt, said she had never seen a pork chop lot shaped like the one
25 planned by the applicant. She said that this was the second time somebody had had issue
26 with Mr. Kauffman's accent which she found inappropriate and she hopes each Planning
27 Board member puts themselves in the shoes of the abutters.

28
29 Ms. Debbie Foss spoke next stressing that this was the second time that Mr. Kauffman
30 had been ridiculed in this meeting, and she felt that somebody on the Board ought to say
31 something. Mr. Houghton agreed and said this should never be a session where things
32 evolve to a personal level as this is nothing personal. Mr. Houghton, apologized on
33 behalf of the Board, unfortunately Mr. Kauffman had left the room temporarily.

34
35 Ms. Arsenault, 6 Spring Creek Lane said they were here because one person wanted to
36 cause as much damage as possible because she knows how passionate the abutters are
37 about the neighborhood. Ms. Arsenault feels the applicant would come up with a plan
38 that would be as destructive as possible, taking out as many trees as possible because she
39 wanted to coerce the abutters into giving access to Spring Creek Lane.

40
41 Mr. Brad Jones said that what was just said was the truth. He feels the current design has
42 been designed to cause maximum environmental impact. He said there are other ways it
43 could be designed that would be far less damaging.

44
45 Mr. Houghton apologized to Mr. Kauffman who had returned to the room, for any insults
46 or insensitivities that may have been perceived. Mr. Kauffman accepted the apology.

1
2 Mr. Federico asked if any comments had been received from the Conservation
3 Commission. Mr. Houghton said there hadn't been any so far. Mr. Federico requested
4 that the Conservation Commission be asked to provide their comments based on the site
5 walk.
6

7 Next, Mr. Houghton suggested that the Board go through the items mentioned by Mr.
8 Daley in his memorandum and the Board can decide whether or not additional
9 information is required from the applicant.
10

11 Mr. Daley started with 3.3.1H; all the features that would fully explain living conditions
12 and future developments of the land and then moved to subdivision regulations Section
13 4.2.4 and 4.4.b.ii . Mr. Houghton apologized and explained that he just wanted to go
14 through each item to help the Board decide where it stands.
15

16 Mr. Daley asked the Board if they felt the applicant had met subdivision regulations
17 Section 4.2.4 and 4.4.b.ii – discuss subdivision design and preservation of features which
18 would add value to the subdivision.
19

20 Mr. Federico said that in other developments easements had been added to driveways to
21 lessen environmental impacts. Ms. Werner added that a couple of meetings ago it
22 appeared there would be a problem with wetlands and she asked if those problems still
23 exist. A discussion ensued as to why the existing Woods Road could not be used as part
24 of the driveway. Mr. Daley asked Mr. Emmanuel if it would be possible to shift the
25 reserve area and the lot downwards and extend it. Mr. Emmanuel explained why the
26 applicant has chosen to go with the current plan.
27

28 Mr. Casey felt that it was a reasonable request to ask them to change things a little for the
29 appeasement of all the people against this current plan.
30

31 Ms. Bates said that the applicant has referred to many alternative plans, but at the
32 meetings so far only two variations have been presented.
33

34 Mr. Gough proposed another suggestion. Mr. Emmanuel explained why Mr. Gough's
35 suggestion hadn't been taken further; they didn't want to put in a septic reserve area in
36 the neighbor's well's radius area. He explained further that they had looked at several
37 alternatives, but the main problem was balancing the soil calculations to make it work.
38

39 Mr. Baskerville talked about Town regulations versus the State regulations and said that
40 was why only certain test pits were acceptable. Mr. Baskerville said he didn't like the
41 idea of a driveway going through the middle of somebody's lot as it causes legal
42 problems, but if there were to be a fifty feet easement at the end of the driveway, there
43 would be no reason to cross it and the driveway could be put in another fifty feet which
44 would mean it wouldn't be as steep and less trees would need to be cut down and fifty
45 feet could be put into a conservation easement. Mr. Merrick said he liked Mr.
46 Baskerville's suggestion.

1
2 Mr. Federico said he would like to see the comments from the Conservation Commission
3 and also why a coned shaped lot couldn't be built and the septic reserve area moved south
4 a little from the suggested location. Mr. Federico asked if the applicant could do
5 additional test pits further south or south west, closer to the wetlands, but still meeting
6 setbacks. Ms. Werner reminded everybody the applicant still needs to meet the 2 acre
7 requirement and the 50 feet frontage requirement for a pork chop lot.

8 Ms. Caley, applicant said that they were directed by the Board in previous meetings to
9 create the current plan including moving the driveway as far away from the property as
10 they can. Ms. Caley said she had created many plans already and she is a little confused
11 as she understood this current plan was designed to satisfy all previous comments from
12 the Board. Ms. Caley didn't like the suggestion of an easement. She understands that
13 the Board is trying to find a solution to suit everybody. Ms. Caley also stressed that she
14 originally bought the lot to live there herself so her family had a house.

15
16 Mr. Houghton said the Board wasn't requiring anything at this point, he said they are just
17 taking input and making suggestions that could potentially resolve current issues, but he
18 stressed the applicant wasn't required to do any of them.

19
20 Mr. Daley summed up the suggestions so far. Mr. Baskerville added another suggestion
21 to his own and Mr. Federico's suggestion from earlier. Mr. Daley suggested to the Board
22 that additional test pits would not be necessary as there were 2 test pits that passed just
23 south of the existing Woods Road. The Planning Board agreed.

24
25 Mr. Emmanuel asked if the Board would be amenable to a waiver from the regulations if
26 the lot becomes an irregular shape that does not comply with the current regulations. Ms.
27 Werner would like to see it if the applicant is willing.

28
29 Ms. Caley asked if it was possible to be on the next meeting's agenda

30
31 Mr. Federico made a motion to continue the meeting to May 16, 2012. The motion was
32 seconded by Mr. House and the motion was carried unanimously.

33
34 **4. Miscellaneous.**

- 35 a. Report of Officers/Committees.
36 b. Member Comments.
37 c. Other.

38
39 Mr. Daley told the Board that the Town Center Committee met to discuss the location of
40 four granite post signs to be located at various points around the Town Center area. The
41 lettering and wording for the signs is still being worked on. Mr. Daley said the signs will
42 be basically a seven foot granite exposed post with an oval shaped sign with something
43 like "Stratham Town Center Established in 1716", decorative to a certain extent.

44
45 Mr. Houghton gave an update on the Economic Development Committee in conjunction
46 with the Exeter Chamber of Commerce hosting a "what's going on in Stratham" public
47 information session on May 30, 2012 in the Town Hall from 7:30AM - 9:00AM

1 including breakfast and speakers. Mr. Daley added that for a discussion about the
2 Gateway Master Plan, the speaker will be Nathan Merrill. For the discussion of utilities
3 and infrastructure, Mr. Daley has invited John Boisvert and for the form based code; Mr.
4 Daley is hoping that Julie LaBranche from RPC will attend as a speaker.

5
6 Mr. Houghton said the purpose of the breakfast was to show case Stratham and what has
7 been happening here. The target audience is realtors, developers and business people. E
8 Blast invitations will be sent out by the Exeter Chamber of Commerce and Mr. Houghton
9 requested that members extend those invitations to others.

10
11 Mr. Daley updated the Board on the Exeter Chamber of Commerce breakfast he attended
12 recently. He said about seventy people attended who ranged from business property
13 owners, interested parties and also Town officials.

14
15 **5. Adjournment.**

16 .
17 Mr. Baskerville made a motion to adjourn the meeting at 10:04PM. The motion was
18 seconded by Mr. Paine. The motion was passed unanimously.

19
20 Mr. Daley reminded the Board there was a site walk on May 12, 2012 at 9:00 a.m. for the
21 Makris development at 32 Bunker Hill Avenue.
22
23